

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2048**  
**94TH GENERAL ASSEMBLY**

4627S.03T

2008

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**AN ACT**

To amend chapter 173, RSMo, by adding thereto one new section relating to college textbooks.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be known as section 173.955, to read as follows:

**173.955. 1. The provisions of this section shall be known as the "Textbook Transparency Act". For purposes of this section, the following terms mean:**

(1) "Adopter", any faculty member or academic department at an approved institution of higher education responsible for considering and choosing course materials to be utilized in connection with the accredited courses taught at the approved institution of higher education;

(2) "Approved institution of higher education", an educational institution located in Missouri which:

(a) Is directly controlled or administered by a public agency or political subdivision;

(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;

(c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

(d) Meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools, or if a public junior college created under

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 the provisions of sections 178.370 to 178.400, RSMo, meets the standards established by the  
18 coordinating board for higher education for such public junior colleges, or by other  
19 accrediting bodies recognized by the United States Office of Education or by utilizing  
20 accreditation standards applicable to the institution as established by the coordinating  
21 board for higher education;

22 (e) Does not discriminate in the hiring of administrators, faculty and staff or in the  
23 admission of students on the basis of race, color, religion, sex, or national origin and is  
24 otherwise in compliance with the federal Civil Rights Acts of 1964 and 1968 and executive  
25 orders issued pursuant thereto; and

26 (f) Permits faculty members to select textbooks without influence or pressure by  
27 any religious or sectarian source;

28 (3) "College textbook", a textbook or a set of textbooks used for a course of  
29 postsecondary education at an approved public institution of higher education;

30 (4) "Integrated textbook", a college textbook that:

31 (a) Is combined with materials developed by a third party and that, by third-party  
32 contractual agreement, may not be offered by publishers separately from the college  
33 textbook with which the materials are combined; or

34 (b) Includes functionally interdependent course materials designed to be used solely  
35 as a single unit and whose separation would substantially degrade the academic content  
36 so that it would not be usable to the student;

37 (5) "Products", all versions of a college textbook or set of college textbooks, except  
38 custom textbooks or special editions of textbooks, available in the subject area for which  
39 a prospective purchaser is teaching a course, including supplemental material, both when  
40 sold together or separately from a college textbook;

41 (6) "Supplemental material", educational material that may accompany a college  
42 textbook, including printed materials, computer disks, website access, and electronically  
43 distributed materials, that is neither:

44 (a) Bound by third-party contractual agreements to be sold in an integrated  
45 textbook; nor

46 (b) A component of an integrated textbook.

47 2. Each publisher of college textbooks shall provide, upon request, the following  
48 information to faculty members or adopters at an approved institution of higher education,  
49 whenever the publisher provides a faculty member or adopter with information about the  
50 publisher's products:

51 (1) The price at which the publisher would make the products available to the  
52 campus bookstore;

53           (2) The substantial content revisions for such products made between a current  
54 textbook edition and the previous edition, if any;

55           (3) The copyright dates of all previous editions of such college textbook in the  
56 preceding ten years, if any; and

57           (4) Whether the products are available in any other format, including paperback  
58 and unbound, and the price at which the publisher would make the products in the other  
59 formats available to the campus bookstore.

60           3. A publisher that sells a college textbook and any supplemental material  
61 accompanying such college textbook as a single bundle shall also make available the college  
62 textbook and each supplemental material as separate and unbundled items, each separately  
63 priced.

64           4. Where existing technology and contracts make it feasible, an approved public  
65 institution of higher education shall develop a policy that permits students to use financial  
66 aid that has not been disbursed for tuition or fees to purchase required textbooks for  
67 courses taught at the institution at stores on the campus of the institution.

68           5. To the extent practicable, an approved institution of higher education shall  
69 encourage faculty members or adopters to place their initial orders for college textbooks  
70 with sufficient time for the campus bookstore to factor such information into student  
71 buyback, research the availability of the course material, and exchange, when appropriate,  
72 relevant information with faculty to support effective use of course materials such as  
73 bundles and to promote cost efficiencies for students.

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